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Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND SELECT EQUITY FUND GP, L.P.,

Debtor.

)
) Chapter 7
)
) Case No. 23-31039-mvl7
)
)
)
)

**HIGHLAND CAPITAL MANAGEMENT, L.P.'S RESPONSE AND JOINDER TO
MOTION TO TRANSFER/REASSIGN CASE**

Highland Capital Management, L.P. ("Highland"), a creditor and party-in-interest in the above-referenced bankruptcy case, by and through its undersigned counsel, hereby files its supplement (the "Supplement") to *Highland Capital Management, L.P.'s Response and Joinder*

to *Motion to Transfer/Reassign Cases* [Docket No. 26] (the “Joinder”).¹ In support of thereof, Highland respectfully states as follows:

SUPPLEMENT

1. On June 12, 2023, Select GP filed a motion to transfer and reassign its bankruptcy case to Chief Judge Stacey Jernigan [Docket No. 9] (the “Transfer Motion”). Chief Judge Jernigan has overseen Highland’s bankruptcy case since it was transferred to her court in December 2019.

2. On July 10, 2023, Select GP’s court-appointed Chapter 7 trustee, Scott Seidel (the “Trustee”), filed *Trustee’s Response to Debtor’s Motion to Transfer/Reassign Case* [Docket No. 19] (the “Trustee Response”) in which he took no position with respect to the Transfer Motion.

3. On July 14, 2023, Highland filed its Joinder in which it argued that the Debtors’ cases should be transferred to Chief Judge Jernigan because, among other things, (i) the Debtors’ cases and Highland’s bankruptcy case are related, and (ii) any actions against Highland brought in these cases would initially have to be heard by Chief Judge Jernigan pursuant to the Gatekeeper provision in Highland’s Plan.²

4. After Highland filed the Motion, the Trustee filed *Trustee’s Motion to Be Included in Mediation*, Case No. 19-34054-sgj11, Docket No. 3911 (the “Motion for Leave”), seeking leave to participate in a mediation ordered by Chief Judge Jernigan in Highland’s bankruptcy case. A copy of the Motion for Leave is attached hereto as **Exhibit A**.

5. In the Motion for Leave, the Trustee acknowledged that the Debtors’ bankruptcy cases and Highland’s bankruptcy cases are “intricately intertwined.” Motion for Leave at 2. The

¹ All capitalized terms used but not defined herein have the meanings given to them in the Motion.

² Furthermore, any action against Highland would likely implicate the discharge, injunction, and exculpation provisions in Highland’s Plan, as well as the bar dates established in that case, further underscoring the related nature of the cases and the wisdom in reassigning this case to Chief Judge Jernigan.

Trustee further acknowledged that, in order to assert a claim against Highland, Chief Judge Jernigan must first find that claim “colorable” under the Gatekeeper. *Id.* at 3.³

6. The Trustee’s acknowledgements in his Motion for Leave provide further justification for the granting of the Motion.

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³ Notably, the only claims cited by the Trustee in his Motion for Leave arose prior to the October 16, 2019, petition date of Highland’s bankruptcy and, to the extent viable, were discharged by Highland’s Plan.

Dated: September 25, 2023

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